

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

HORACIO ANTONIO GUTIERREZ-NAVARRO

)

)

v.

)

No. 1:09-CV-265; 1:09-CR-2

)

Chief Judge Curtis L. Collier

UNITED STATES OF AMERICA

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MEMORANDUM

Horacio Antonio Gutierrez-Navarro (“Gutierrez-Navarro”) filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (Criminal Court File No.23).¹ Rule 2(b)(5) of the Rules Governing Section 2255 Proceedings for the United States District Courts specifically mandates the § 2255 motion “shall be signed under penalty of perjury by the movant or by a person authorized to sign it for the movant.” Gutierrez-Navarro did not sign his § 2255 motion. Thus, the Court determined, the § 2255 motion filed by Gutierrez-Navarro was insufficient and directed the Clerk to return the motion to Gutierrez-Navarro for his signature (Criminal Court File No. 24). The Order was returned by the United States Postal Service stamped, “Moved, Left No Address.” (Criminal Court File No. 25). Gutierrez-Navarro’s wife subsequently contacted the Clerk’s office and provided Gutierrez-Navarro’s current address in Mexico. The Clerk mailed a copy of the Court’s Order and his § 2255 motion to Gutierrez-Navarro at his new address ordering him to sign and date the § 2255 motion and file the signed motion with the Court on or before Monday, February 22, 2010. Additionally, the Order notified Gutierrez-Navarro that failure to do so would result in the dismissal of his case.

¹ Citations to docket entries will refer to the criminal court case file. All filings in this § 2255 proceeding shall be filed in the criminal court case file (1:09-cr-2).

Gutierrez-Navarro has failed to return a sufficient motion or file any type of response to the Court's order. Therefore, this action will be **DISMISSED** *sua sponte* for failure to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

An appropriate order will enter.

SO ORDERED.

ENTER.

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE